

In the Supreme Court of the State of Washington  
No. 81067-2

CITY OF TUKWILA

Petitioner,

v.

KELLAS GARRETT

Respondent.

RECEIVED  
SUPREME COURT  
STATE OF WASHINGTON  
2008 MAY 16 A 8:55  
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**Second Statement of Additional Authorities**

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Issues:

The Municipal Court Violated The Statutory Requirement in Rev. Code Wash. § 2.36.050 That Jurors Must Be From the Population of the Area Served By the Court

The Court Violated Mr. Garrett's Right to a Jury Selected in the Manner Required by Law; The Municipal Court Had No Authority To Seat Jurors Who Do Not Live in The City

RCW § 3.46.070. Election

In each district court district where an election is held for the position of municipal judge, the county auditor, prior to the date for filing declarations for the office of district judge, shall designate the proper number of municipal judge positions, commencing with number one, and if there is more than one municipal judge in any municipal department, one or more positions may, at the request of the legislative body of the city, be further designated as municipal traffic judge positions. Only voters of the city shall vote for municipal judges.

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City of Spokane v. Rothwell, 141 Wn. App. 680, 684, 685, 686-7 (2007),  
Reconsideration denied by, Motion to strike granted by, Motion denied by City of Spokane v. Rothwell, 2008 Wash. App. LEXIS 168 (Wash. Ct. App., Jan. 17, 2008):

The city must strictly comply with the statutes and the statutory scheme we apply here because they implicate the franchise rights of the citizens of Spokane. State v. Moore, 73 Wn. App. 805, 813-14, 871 P.2d 1086 (1994). The city argues that substantial compliance is sufficient but cites no relevant authority for that proposition.

....

A municipal judge is separate and distinct from a district court judge. RCW 3.46.020, .030, .063, .070.... Only city voters shall vote for municipal judges designated as such by the county auditor.

....

And here, the first Interlocal Agreement was expired so there was no attempt to create a municipal department.

....

We conclude that Judge Walker did not hold color of right to the office of municipal court judge and was therefore without authority to preside over municipal proceedings and impose judgment. We therefore reverse the convictions.

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Dated: May 16, 2008      Respectfully submitted,

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